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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,202	11/26/2003	Bruce Albrecht	ITW7510.057	1201

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EXAMINER

SHAW, CLIFFORD C

ART UNIT PAPER NUMBER

1725

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,202

Applicant(s)

ALBRECHT ET AL.

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18,20-25 and 27-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-18,20-25,27-34 and 36-40 is/are allowed.
- 6) ☒ Claim(s) 35 and 41-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Detailed Action

1.) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.) Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by either one of UK Patent Application GB2316244A or Crandell, III (6,747,246). Claim 35 is directed to a rechargeable battery. This rechargeable battery has an intended use in connection with a welding type apparatus whereby the “fully charged output [of the battery is] less than that required by the welding-type apparatus”. Either one of UK Patent Application GB2316244A or Crandell, III (6,747,246) discloses a welding arrangement that includes a rechargeable battery (see element 10 in UK Patent Application GB2316244A and note the abstract – “the battery 10 may be a lead acid battery charged from a mains supply”; see the discussion of discussion of recharging batteries 20 at column 3 –4 of Crandell, III (6,747,246)). These disclosures satisfy the one structural feature of claim 35 (i.e., the rechargeable battery). The intended use of the rechargeable battery for use in a welding type apparatus having a fully charged output less than that required by the welding type apparatus does not impose any structural limitation on the battery being claimed that would distinguish over either one of UK Patent Application GB2316244A or Crandell, III (6,747,246). As far as the structural features of the batteries disclosed in either one of UK Patent Application GB2316244A or Crandell, III (6,747,246) are concerned, it would be possible to connect these batteries to any arbitrary load, thereby satisfying whatever structural limitation is imposed by the intended-use language in applicant’s claim.

3.) Claims 41 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al. (6,552,303). The discussion at columns 2-7 of Blankenship et al. (6,552,303) disclose interchangeable control modules in the form of memory buttons having features claimed. In regard to the claim language calling for “a control circuit within the housing”, note that the memory buttons in Blankenship et al. (6,552,303) are digital memory elements and must inherently include some sort of circuitry within their housings. The claims differ from Blankenship et al. (6,552,303) in calling for a socket extending from the module housing. This difference does not patentably distinguish over the prior art. In column 7, lines 38-40 of Blankenship et al. (6,552,303) is a discussion of receptacles 62-66 that receive the memory buttons. It is considered obvious that the memory buttons must have a socket of some sort extending therefrom because they are disclosed as being received in receptacles.

4.) Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al. (6,552,303) as applied to claims 41 and 42 above, and further in view of Blankenship (6,331,694). The only aspects of the claims to which the rejection above does not apply are the limitations associated with the control of boost and buck circuits. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have applied the control approach taught in the patent to Blankenship et al. (6,552,303) to any well known welding power supply. In particular, it would have been obvious to have used this control approach for a welding power supply that included boost and buck circuits, the motivation being the teachings of Blankenship (6,331,694) that such

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a power supply is useful for a welding power source (see the power supply at element 200 in figure 7 of Blankenship (6,331,694)).

5.) Claims 1, 2, 4-18, 20-25, 27-34, and 36-40 are allowable over the prior art of record. None of the prior art of record teaches or suggests: the welding-type power source of independent claim 1 with the rechargeable energy storage device combined with the boost circuit and the chopper circuit in the manner set forth in the claim; the method of performing a welding-type process of independent claim 18 wherein once the voltage from a rechargeable energy storage device is increased, it is further regulated, and a charging voltage is provided, all the manner set forth in the claim; the welding type apparatus of independent claim 23 with the first and second converters and charger as set forth in the claim; and the apparatus of independent claim 36 with the combined rechargeable energy storage device, boost circuit, and buck converter as set forth in the claim. The other claims are allowable at least because they depend from the allowed independent claims.

6.) Applicant's arguments filed 7/19/2006 have been fully considered but they are not persuasive. Claims 1, 2, 4-18, 20-25, 27-34, and 36-40 have been allowed. Claims 35 and 41-45 are considered unpatentable for the reasons set forth above.

7.) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
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September 29, 2006